



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/878,661 03/23/01 HANREICH

R PH/5-21260B

EXAMINER

HM22/0925

WILLIAM A. TEOLI, JR.  
SYNGENTA CROP PROTECTION, INC.  
PATENT AND TRADEMARK DEPT.  
410 SWING ROAD  
GREENSBORO NC 27409

PARTS. S

ART UNIT

PAPER NUMBER

1621

DATE MAILED:

09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks


*1.     SUSPENSION*

2.     All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED .

3.     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A Barts whose telephone number is 703-308-4630. The examiner can normally be reached on 6:30-3:00.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johan Richter can be reached on 308-1235. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

        Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

  
Samuel A Barts  
Primary Examiner  
Art Unit 1621

s.b.  
September 24, 2001

# TC 1600 First and Subsequent Suspension Practice Suspension Data Sheet

**Application No.: 09/878,661**

**Examiner: SAMUEL BARTS**

**Art Unit: 1621**

**Date: September 24, 2001**

The information in the form below must be completed and approved by the appropriate TC 1600 personnel listed below prior to suspending any application for a first or subsequent suspension. Please also follow the new procedures for the determination of Office or applicant initiated interferences between unrelated applications as forwarded by the Directors of TC 1600 on August 25, 2000.

Any written communication of a first suspension to applicant, other than those granted to applicant under 37 CFR 1.103, should **not** specify a time period.

Any second or subsequent suspension is to be decided by the Group Director (see MPEP 709). This authority has been delegated to John LeGuyader and Richard Schwartz, including those applications requiring preparation of a second or subsequent letter of suspension. Interference/Suspension Specialists Michael Woodward or Tony Caputa can also approve first or subsequent suspensions if no new letter of suspension needs to be prepared.

Second or subsequent suspensions can be made in the PALM system by Richard Schwartz or John LeGuyader without written communication to the applicant in applications which have a first letter of suspension mailed, and that do not set a time period for the suspension. In such instances, the form below must be completed first.

The completed form should be sent John LeGuyader (11B19), so that the data on the form can be entered in the TC 1600 Interference/Suspension database.

Check the suspension listed below which is being requested and supply the information listed for such:

\_\_\_\_\_ **Suspension – Applicant Petition (37 CFR 1.103, MPEP 709).** Any first or subsequent request by applicant to suspend Office action in an application requires a petition and a fee from the applicant, and can only be made in applications which do **not** have an outstanding office action. The petition must present good and sufficient reasons why the suspension is necessary and must specify a period of suspension not greater than 6 months. **Petitions for suspension of action under 37 CFR 1.103 are decided by the Group Director.** This authority has been delegated to John LeGuyader or Richard Schwartz. This completed form and the application is to be forwarded to either John LeGuyader or Richard Schwartz for a decision of applicant's request to suspend action.

**Suspension - Overlapping Applications by Same Applicant or Owned by Same Applicant (MPEP 709.1 and 2315.01).** Suspension of an application based on the outcome of a related application in interference to the same applicant or owned by the same applicant is to be avoided by prosecuting the application to the fullest extent. Such can be accomplished by treating as prior art the counts of the interference for the purpose of making provisional rejections and by insisting on proper lines of division or distinction between the applications. Use form paragraph 23.17 for a rejection based on the count of an interference. In some instances, suspension of action by the Office cannot be avoided (see MPEP 709.01). Interference/Suspension Specialists Michael Woodward and/or Tony Caputa must be consulted for the approval to suspend action based the outcome of pending interference using form paragraph 23.18.

**Interference Number:** \_\_\_\_\_

**Application No. in Interference:** \_\_\_\_\_

**Interference/Suspension Specialist Approval for Suspension:** \_\_\_\_\_

**Previously Suspended On:** \_\_\_\_\_

**Suspension - Awaiting New Reference.** Interference/Suspension Specialists Michael Woodward and/or Tony Caputa must be consulted for the approval to suspend action based on a reference relevant to examination becoming available.

**Application No. as Potential Reference:** \_\_\_\_\_

**Status of Application:** \_\_\_\_\_

**Interference/Suspension Specialist Approval for Suspension:** \_\_\_\_\_

**Previously Suspended On:** \_\_\_\_\_

**Suspension - Possible Interference - Office or Applicant Initiated.** Interference/Suspension Specialists Michael Woodward and/or Tony Caputa must be consulted for the approval to suspend action based on a potential interference between pending but unrelated applications. The new procedure for determining interferences should be followed as provided by the Directors on August 25, 2000. Provide the interfering application numbers below.

**Interfering Party Application No.:** 08/748,750 **ANTHONY C. CAPUTA**  
SUPERVISORY PATENT EXAMINER

**Interference/Suspension Specialist Approval for Suspension:** TCM **TECHNOLOGY CENTER 1600**

**Previously Suspended On:** parent was suspended 09/042,122